



Department for
Communities and
Local Government

Obtaining and using Tenancy Deposit information

Explanatory booklet for Local Housing Authorities



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April 2017

ISBN: 978-1-4098-5042-7

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Introduction

This booklet is not an authoritative interpretation of the law, but intended as a general guide.

The private rented sector (PRS) in England has undergone rapid growth in the last 10 years, and overtook the social rented sector as the second largest sector in 2012-13. Since then, the sector has continued to grow. In 2014-15, 19% of all households were private renters. This equates to 4.3 million households.

Growing demand for PRS accommodation has led to a rise in rogue landlords, who knowingly rent out unsafe and substandard accommodation, often to vulnerable people. The government is determined to crack down on Rogue Landlords and put them out of business. It is often difficult for Local Housing Authorities to identify private rented housing and landlords in their area to ensure that properties meet basic standards.

To address this, the Housing and Planning Act 2016 made amendments to the Housing Act 2004 to enable the sharing of certain data held by the three Tenancy Deposit Protection (TDP) schemes on PRS properties, landlords and managing agents with local housing authorities in England. The three scheme providers hold information relating to nearly 3 million PRS properties and address data for around 2 million PRS landlords.

Having access to this information will increase the tools that authorities can use to help identify privately rented housing and to crack down on rogue landlords in their area through targeted enforcement and prevention work. It will help to improve conditions in rented properties, benefitting tenants as a result. It will cut the costs of enforcement, and it may reduce the need to operate borough-wide licensing schemes that impact on good landlords. Authorities will be able to match the TDP data with other information they already collect such as council tax data and Housing Benefit data, to help identify potential rogue landlords in their area.

This approach builds on what is already happening in Scotland and Northern Ireland, where legislation already exists to allow Local Housing Authorities to access data about PRS properties and landlords in their area.

This booklet acts as guidance for Local Housing Authorities in requesting, accessing and using tenancy deposit information. It is designed to cover the most common situations but it cannot cover every scenario and is not a substitute for reading section 212A of the Housing Act 2004 (inserted by *sections 128 of the Housing and Planning Act 2016: Housing Information in England*) which can be found at:

<http://www.legislation.gov.uk/ukpga/2016/22/section/128/enacted>

Requirements

From 6 April 2017, Tenancy Deposit Protection (TDP) schemes are required to provide specific information they hold on tenancies in England to Local Housing Authorities who request the information. Only information which relates to properties in the geographic area of the Local Housing Authority which requests the information will be provided.

It is up to individual authorities to decide whether to access and use the information or not. Local Housing Authorities are not required to access the information provided by the TDP schemes.

Local Housing Authorities must only use the data:

1. For a purpose connected with the exercise of their functions under Parts 1-4 of the Housing Act 2004 in relation to any premises (in general improving housing conditions, licencing of HMOs, selective licencing of other accommodation and management orders)
2. for the purpose of investigating whether an offence has been committed under any of those Parts in relation to any premises

A Local Housing Authority may share the information obtained from the TDP schemes with a person providing services to the Local Housing Authority for the above purposes. Those people will not be able to use such information for any other purpose.

Important: Once the information has been accessed or downloaded by the Local Housing Authority, it is the Local Housing Authority's responsibility to use the information in accordance with the Housing Act 2004 and the principles of the Data Protection Act 1998.

Tenancy Deposit Protection (TDP) schemes

Landlords must put their tenant's deposit in a government-backed tenancy deposit scheme if they rent their home on an assured shorthold tenancy that started after 6 April 2007. There are three TDP schemes:-

- Deposit Protection Services (DPS) <http://www.depositprotection.com/>
- Tenancy Deposit Scheme (TDS) <https://www.tenancydepositscheme.com/>
- My Deposits Scheme <https://www.mydeposits.co.uk/>

There are separate TDP schemes in [Scotland](#) and [Northern Ireland](#).

Specific Information to be shared

The TDP information available to Local Housing Authorities is restricted to:-

- Private Rented Sector (PRS) property addresses
- Addresses of the landlords letting these properties
- Addresses of letting agents managing PRS properties
- Number of deposits registered at the PRS property address

Private sector landlord names will not be shared.

The TDP data will help Local Housing Authorities to identify where private rented properties are located, and providing addresses of landlords or management agents will help to target enforcement of housing conditions and standards. These aims can be achieved by sharing landlord addresses only.

Landlord names may be available through other data collected by authorities, such as council tax data, housing benefit data and land registry data. Authorities will be able to combine the deposit data with these existing datasets to help identify landlord names.

How to request TDP information

A sample letter is provided at Annex A for authorities to request information from the TDP schemes.

The sample letter must be authorised by a senior manager from the Local Housing Authority's private sector housing team, printed on letter headed paper, scanned and emailed to the TDP scheme. This is to ensure that the TDP schemes can check that the request for information - which is personal information - is only shared with Local Housing Authorities. DCLG has provided the TDP schemes with a list of Local Housing Authorities to verify that that requests are from genuine authorities.

A step by step guide is provided below.

Step 1

Copy and paste the text at Annex A on the council's official letter headed paper template. It must include the council logo. This is to ensure the TDP schemes can verify that the request is from a legitimate organisation.

Step 2

Choose the TDP scheme to request data from.

Step 3

The request must be signed (wet signature) by the *requesting* officer from the council's private sector housing team.

Step 4

The request must be signed (wet signature) by a senior *authorising* officer from the council's private sector housing team. This is to ensure that the TDP schemes can check that the request for information is legitimate.

Step 5

Print and scan the completed sample letter.

Step 6

Email the scanned copy of the sample letter to the relevant TDP schemes at:

- Deposit Protection Services (DPS) email support@depositprotection.com
- Tenancy Deposit Scheme (TDS) email: servicedesk@tenancydepositscheme.com
- My Deposits Scheme – email: localauthorityrequests@mydeposits.co.uk

The Local Housing Authority will receive an email acknowledgement from the scheme that the request has been received. The Tenancy Deposit Scheme (TDS) and MyDeposits aim to make the information available within 5 working days of the request being received by a Local Housing Authority. The Deposit Protection Service (DPS) aim to set up new 'fileshare' user accounts within 5 working days of the request being received by a Local Housing Authority. Once a fileshare account is set up, DPS aim to make the information available within 5 working days.

The TDP schemes will not charge authorities to access this information at the present time. However, this will be reviewed at a later date if demand for the information leads to the TDP schemes incurring excessive costs.

A separate request must be sent to each individual scheme. The development of a combined TDP scheme web portal would have introduced significant costs which would need to be recouped by the TDP schemes by allowing them to charge Local Housing Authorities a fee to access the information. This is something we want to avoid.

This is an 'on-demand' service, so there are no restrictions on the frequency of data requests to the TDP schemes. Requests for information can be submitted to the TDP schemes from 6 April 2017.

How to access the TDP information

The TDP schemes have developed individual secure web-portals (or in the case of the Deposit Protection Service (DPS) a similar secure fileshare platform) to ensure that the information is provided to Local Housing Authorities in a safe and secure manner.

On receipt of a valid request, the TDP scheme will provide the Local Housing Authority requesting officer with a secure email containing a unique username and password, and a link to the TDP scheme's web portal. Local Housing Authorities are responsible for ensuring that usernames and passwords are kept safe and secure.

The requesting officer accesses the TDP information by using their username and password to login to the schemes secure web portal (or the fileshare platform provided by DPS). The information is able to be downloaded in Microsoft Excel file formats.

Authorities should contact their IT departments for advice if there are problems accessing or downloading the information provided by the TDP schemes. If this remains unresolved, authorities can contact the TDP schemes for assistance. TDP schemes can issue authorities with new passwords if these have been lost.

How to use TDP information

Local housing authorities must only use the data:

1. For a purpose connected with the exercise of their functions under Parts 1-4 of the Housing Act 2004 in relation to any premises (in general improving housing conditions, licencing of HMOs, selective licencing of other accommodation and management orders)
2. for the purpose of investigating whether an offence has been committed under any of those Parts in relation to any premises

A Local Housing Authority may share the information obtained from the TDP schemes with a person providing services to the Local Housing Authority for the above purposes. Those people will not be able to use such information for any other purpose.

Note: the Local Housing Authority must always request the information from the TDP schemes, even where another organisation acting on their behalf needs access to the information. The TDP schemes will only process requests for information from local housing authorities and not from organisations acting on their behalf.

Authorities will be able to combine the deposit data with council tax data and housing benefit data to identify properties and landlords that are not on the tenancy deposit protection list – hence those more likely to belong to ‘rogue’ landlords in their area.

Local authorities already have the power under the Local Government Finance Act 1992 to collect information on tenure in their area for council tax purposes. Section 237 of the Housing Act 2004 allows data that the Local Housing Authority has collected for council tax (or housing benefit) purposes to be used for the exercise of the Local Housing Authority’s housing functions under Parts 1 to 4 of the Housing Act 2004.

Annex A

Local Housing Authority request for TDP information - example letter

Local Housing Authority logo

To: either:-
Deposit Protection Service
support@depositprotection.com

Date: *[insert date]*

Tenancy Deposit Solutions
servicedesk@tenancydepositscheme.com

MyDeposits
localauthorityrequests@mydeposits.co.uk

Request for Tenancy Deposit Information

Dear *[The Dispute Service/ Tenancy Deposit Solutions/ MyDeposits]*,

I am requesting Tenancy Deposit Information relating to tenancy deposits secured in the *[insert Local Housing Authority name]* area.

On receipt of the data, I understand that the information may be used only for a purpose connected with the exercise of the authority's functions under any of Parts 1 to 4 of the Housing Act 2004 in relation to any premises, or for the purpose of investigating whether an offence has been committed under any of those Parts in relation to any premises.

I understand that once received, I may share the data with a person providing services to *[insert Local Housing Authority name]* for one of the above purposes.

Information requested by:

Name and signature:	
Job Title:	
Local Housing Authority name:	
Office telephone number:	

Requesting officer's email address	
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Request for information authorised by:

Name and signature:	
Job Title:	
Office telephone number:	
Email address	

[requesting officer's name]

Notes on completion

1. The text of this form must be copied and pasted onto the Local Housing Authority's official letter headed paper. This is to ensure that the TDP schemes can verify that the request has come from a legitimate organisation.
2. A separate request for information must be sent to each individual TDP scheme.
3. This form must be signed (wet signature) by the requesting officer of the council's private sector housing team
4. This form must be authorised and signed (wet signature) by a senior officer in the council's private sector housing team.
5. Once completed and signed, the form should be scanned and sent by email to the TDP schemes. The schemes email addresses are:-
 - Deposit Protection Services (DPS) email support@depositprotection.com
 - Tenancy Deposit Scheme (TDS) email: servicedesk@tenancydepositscheme.com
 - My Deposits Scheme – email: localauthorityrequests@mydeposits.co.uk